

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Daisuke ITO et al.
App. No	:	10/571,507
Filed	:	March 10, 2006
For	:	METAL NANOPARTICLE DISPERSION USABLE FOR EJECTION IN THE FORM OF FINE DROPLETS TO BE APPLIED IN THE LAYERED SHAPE
Examiner	:	Daniel S. Metzmaier
Art Unit	:	1796
Conf No.	:	4217

PETITION UNDER C.F.R. § 1.144 TO REVIEW REQUIREMENT FOR RESTRICTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Office Action of August 10, 2009, the Examiner made final the Restriction Requirement set forth in the USPTO communication of March 24, 2009. Applicant has traversed the restriction requirement in a communication dated April 16, 2009.

The Examiner found the traversal unpersuasive because the Examiner deemed the prior art cited in the Office Action is preventing any features from serving as common "special technical features". However, the claims withdrawn from consideration are all ultimately dependant on the elected claims, and therefore include all the limitation of the elected claim. As indicated in the accompanying Amendment, the elected claims are believed to be patentable over the cited references. As such, the elected claims, and the non-elected claims dependent thereon share a common technical features, and restriction is improper

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Applicant hereby petition the Commissioner under 37 C.F.R. § 1.144 to review the Restriction Requirement mailed March 24, 2009, in connection with the above-captioned application. Applicant respectfully submits with this petition the following:

A technical contribution of the claimed metal nanoparticle dispersion is based on the characteristic feature, such as the coordinate-bonding to the metal element by the lone pairs that is provided by specific selection of all the components and amounts thereof. A technical contribution of the claimed process using the dispersion is based mainly on the aforementioned characteristic feature that is provided by specific selection of all the components and amounts of the dispersion. Thus, the International Preliminary Report correctly indicated that the inventions claimed in Claims 1-12 relate to a single inventive concept under PCT Rule 13.1 as those inventions have the same or corresponding special technical features under PCT Rule 13.2.

Consequently, the authorized officer of the international stage did not conclude that the Group I: Claims 1-5, 9, and 10 and Group II: Claims 6-8, 11 and 12 may lack "Unity of Invention" under PCT Rule 13.1. Therefore, Applicant respectfully request review of the Restriction Requirement.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 10, 2009

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